

REMARKS

In response to the Office Action mailed July 14, 2006, the Examiner's claim rejections have been considered. Claim 60 has been amended to clarify the claimed invention and have not been made for reasons of patentability. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 1-61 under 35 U.S.C. § 103(a) as being unpatentable over Monte Carlo in view of Kelly (US 5,882,258) as set forth in the previous office action and further in view of Same Game. Applicants respectfully traverse this rejection. Claims 1-30 have been canceled without prejudice, thereby rendering the rejection moot. For the sake of brevity, the rejections of the independent claims 31, 60, and 61 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate and independent bases for patentability.

With respect to claims 31 and 61, Applicants respectfully submit that the Monte Carlo reference, Kelly, and Same Game, either alone or in combination, fail to teach, suggest, or disclose that "after all matching adjacent game pieces that are perceived by a player are selected and removed, shuffling any remaining game pieces and presenting a new grouping of the remaining game pieces." Applicants submit that the term "shuffling" is defined as the act of mixing cards haphazardly. Applicants submit that "moving cards up to fill spaces" as disclosed in the Monte Carlo game is not the same as shuffling cards. Referring specifically to the example shown in the Monte Carlo game, four rows of five cards are dealt as shown in the following diagram:

8	K	8	J	2
K	9	7	J	5
3	10	10	A	7
5	Q	6	6	A

After all the pairs are removed, the game board looks as follows (where the boxes represent vacant spaces):

8	□	8	□	2
□	9	7	□	5
3	□	□	□	7
5	Q	□	□	□

As shown in the above diagram, the first four remaining cards are 8, 8, 2, and 9. After the cards are moved up to fill the spaces, the first four remaining cards are still 8, 8, 2, and 9 as shown in the following diagram:

8	8	2	9	7
5	3	7	5	Q

Applicants respectfully submit that maintaining the order of the remaining cards does not satisfy or fall within the definition of “shuffling.” Because the Monte Carlo game fails to teach that the remaining cards are shuffled, and the Kelly and Same Game references fail to make up for this deficiency, Applicants submit that claim 31 and 61 and their respective dependent claims are allowable.

With respect to claim 60, Applicants respectfully submit that the Monte Carlo reference Kelly, and Same Game, either alone or in combination, fail to teach, suggest, or disclose “deactivating the matching adjacent game pieces that are selected by a player, wherein the matching adjacent cards are not removed from the gaming grid.” As defined in the specification at paragraph 16, “deactivation of matching game pieces does not necessarily result in the removal of those game pieces from the gaming grid.” In sharp contrast, the Monte Carlo reference teaches that the matching cards are removed and makes no mention of deactivating matching game pieces. Additionally, Kelly does not make up for the deficiency of the Monte Carlo reference since Kelly does not teach, suggest, or disclose a matching game. Furthermore, the Same Game reference teaches that any matching game pieces are cleared (i.e., removed). Accordingly, Applicants submit that the 35 U.S.C. §103(a) rejections to claim 60 has been overcome.

CONCLUSION

Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of claims 31-61 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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